

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Sullivan v. Pacheco

No. CV-26-00047-TUC-JCH · No. No. CV-26-00047-TUC-JCH · Decided February 4, 2026

SUMMARY

The United States District Court for the District of Arizona denied Jack Sullivan’s application to proceed in forma pauperis because it omitted required employment information and raised questions about reported expenses. The Court gave Sullivan 30 days to pay the filing and administrative fees or submit a complete application, warning that failure to do so would result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	John C. Hinderaker
JURISDICTION	United States District Court for the District of Arizona
DECIDED	February 4, 2026
DOCKET	No. CV-26-00047-TUC-JCH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff applied to proceed in forma pauperis in a newly filed civil action. The district court considered the application and denied it as incomplete.
PRECEDENTIAL VALUE	unknown

TOPICS

civil procedure

PRACTICE AREAS

civil procedure in forma pauperis proceedings filing fees

QUESTIONS PRESENTED

- Whether the plaintiff's application to proceed in forma pauperis was complete under 28 U.S.C. § 1915(a) and Arizona Local Rule of Civil Procedure 3.3(a)(1).
- What procedural consequence should follow from the incomplete in forma pauperis application.

HOLDINGS

- 1. The application was incomplete because it failed to state the plaintiff's current employer and the employer's address as required by Local Rule of Civil Procedure 3.3(a)(1), and the reported utility expense was unexplained.
- 2. The plaintiff must, within 30 days of filing of the order, either pay the \$350 filing fee and \$55 administrative fee or file a complete in forma pauperis application; failure to do so requires dismissal without prejudice and without further notice.

KEY QUOTATIONS

“a statement as to current employment including the amount of wages or salary per month and the name of the current employer.” (at 1)

FACTUAL BACKGROUND

Sullivan reported monthly take-home pay of \$800, \$20 in cash or bank funds, and monthly food and utility expenses totaling \$800. His application did not identify his current employer or provide the employer's address. The court also found his reported \$300 monthly utility expense unclear because he reported neither owning real estate nor having a regular rental expense.

PROCEDURAL HISTORY

Jack Sullivan filed an Application to Proceed In Forma Pauperis. The district court found that the application omitted required employment information and contained an unexplained utilities expense, denied the application, and allowed 30 days to pay the filing and administrative fees or submit a complete application.

DISPOSITION

other

CASES CITED

- Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999)

OPINION

Sullivan

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Jack Sullivan, No. CV-26-00047-TUC-JCH 10 Plaintiff, ORDER 11 v. 12 Carmen Pacheco, et al., 13 Defendants. 14 15 Before the Court is Plaintiff Jack Sullivan’s Application to Proceed In Forma 16 Pauperis (“IFP”). (Doc. 2). The Court will deny Plaintiff’s Application because it is 17 incomplete. 18 All parties instituting any civil action, suit, or proceeding in a district court of the

19 United States, except an application for writ of habeas corpus, must pay a filing fee of 20 \$350.00. See 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to 21 prepay the entire fee only if the plaintiff is granted leave to proceed IFP under 28 U.S.C. 22 § 1915(a). See *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). Arizona Local 23 Rule of Civil Procedure ("LRCiv.") 3.3(a) sets requirements for IFP applications. As 24 pertinent here, LRCiv. 3.3(a)(1) requires the application contain "[a] statement as to current 25 employment including the amount of wages or salary per month and the name of the current 26 employer." 27 In Plaintiff's Application, he records take home pay of \$800.00 per month, \$20.00 28 in cash or bank account, and regular monthly expenses for food and utilities totaling 1 || \$800.00 per month. Plaintiff's Application is incomplete because he does not provide the 2|| name of his employer and the employer's address, as required by LRCiv. 3.3(a)(1). The 3|| Court is also unsure how Plaintiff pays \$300.00 in utilities per month when Plaintiff does 4|| not report owning any real estate nor a regular rental expense. The Court will thus deny || Plaintiff's Application because it is incomplete. 6 Accordingly, 7 IT IS ORDERED denying the Application to Proceed In Forma Pauperis (Doc. 2). 8 || Within 30 days of the date this Order is filed, Plaintiff must either pay the \$350.00 filing || fee and \$55.00 administrative fee or file a complete Application to Proceed In Forma 10 || Pauperis. 11 IT IS FURTHER ORDERED that if Plaintiff fails to either pay the \$350.00 filing 12|| fee and \$55.00 administrative fee or file a complete Application to Proceed In Forma 13 || Pauperis within 30 days, the Clerk of Court must enter a judgment of dismissal of this action without prejudice and without further notice to Plaintiff. 15 Dated this 3rd day of February, 2026. 16 17 f 4) 19 / / John C. Hinderaker _/United States District Judge 20 21 22 23 24 25 26 27 28 -2-